

From: Caroline Hermann/DC/USEPA/US
Sent: 5/6/2010 3:36:21 PM

To: Angela McFadden/R3/USEPA/US@EPA; Bernadette Rappold/DC/USEPA/US@EPA
CC: Jeanne Duross/DC/USEPA/US@EPA; Andrew Stewart/DC/USEPA/US@EPA; Susan Okeefe/DC/USEPA/US@EPA; Caroline Makepeace/DC/USEPA/US@EPA
Subject: Re: Sen Casey Letter to EPA on hydrofracking

Angela,

Attached is the letter from Senator Casey to EPA Administrator Jackson with the control communication from OCIR. Bern received a copy of the letter from Adam Kushner, Director of Office of Civil Enforcement, during today's Denver meeting.

As you can see, the control sheet indicates that initially the letter was assigned to OW. However, on April 28, 2010, after some inquiry, OCIR reassigned the letter to Region 3 but indicated that OW should have an opportunity to comment. In light of SLPD's involvement in the Energy Extraction Initiative, we would also like the opportunity to comment on the EPA response to Sen. Casey's letter. Could you provide us with your draft response?

We can reach out to OW in an effort to identify the correct contact. We will also contact OCIR to let them know that we intend to review the response.

If there is an opportunity for you and Bern to talk after today's meetings, that might be useful as well.

Thanks, and we look forward to working with you.

Caroline and Jeanne

Caroline B.C. Hermann
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From: Angela McFadden/R3/USEPA/US
To: Caroline Hermann/DC/USEPA/US@EPA
Cc: Jeanne Duross/DC/USEPA/US@EPA
Date: 05/06/2010 03:19 PM
Subject: Re: Sen Casey Letter to EPA on hydrofracking

Caroline,

Your timing is perfect. Yes, I'm heading up the R3 Resource Extraction Task Force, which addresses Marcellus Shale issues among other matters.

I'm currently patched in to the EEI discussion in Denver.

Our comms folks have not be able to get clarification as to whether OW or R3 is lead on the Casey response and, in either case, because HQ wants review of the draft exactly who at OW I'm supposed to work with. Any chance you can help close this loop?

Angela

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From: Caroline Hermann/DC/USEPA/US
To: Angela McFadden/R3/USEPA/US@EPA
Cc: Jeanne Duross/DC/USEPA/US@EPA
Date: 05/06/2010 02:49 PM
Subject: Sen Casey Letter to EPA on hydrofracking

Angela,

Jeanne and I just left you a voice mail to inquire whether you are the Region 3 contact for the Energy Extraction initiative or at least issues relating to natural gas/oil extraction by hydrofracking on/near the Marcellus Shale or otherwise.

Our Division Director Bernadette Rappold has asked us to reach out to the Region 3 contact in light of Senator Casey's letter to Administrator Jackson to ask for more EPA oversight of hydrofracking.

Below is the link, press release, and letter from Sen. Casey's website:
<http://casey.senate.gov/newsroom/press/release/?id=e0885ca7-425b-4f8e-b03f-31a75acfc610>

I can be reached at (202) 564-2876 and Jeanne is at (202) 564-6595. Thanks so much, and we look forward to touching base with you.

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Casey Calls for More Oversight of Natural Gas Drilling

Urges EPA investigation of drinking water contamination

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Monday, April 26, 2010

SCRANTON, PA—U.S. Senator Bob Casey (D-PA) today was joined by residents in the Dimock area whose wells were contaminated by drilling conducted by Texas-based Cabot Oil and Gas Corp. as he called for additional oversight of natural gas drilling. Senator Casey today sent a letter to the Environmental Protection Agency (EPA) urging them to examine its current authority to determine whether it can take additional steps in Pennsylvania to investigate and respond to groundwater

contamination and other potentially harmful consequences of drilling.

“Natural gas drilling can provide an economic boost to Pennsylvania but we must protect ground water,” said Senator Casey. “We will not allow an out-of-state company to come to Pennsylvania and contaminate the groundwater of our residents. Three million Pennsylvanians rely on wells for their drinking water. We must ensure adequate safeguards are in place to protect this most basic necessity for Pennsylvanians.”

In the letter, Senator Casey wrote: “I urge EPA to examine its authority to determine whether it can take additional steps in Pennsylvania to investigate and respond to groundwater contamination and other potentially harmful consequences of drilling. I request a meeting with you and appropriate EPA officials to discuss natural gas drilling and whether EPA could launch an investigation into water and environmental contamination.”

In 2009, Senator Casey introduced the Fracturing Responsibility and Awareness of Chemicals Act. The legislation would repeal a Bush administration exemption provided for the oil and gas industry and would require them to disclose the chemicals they use in their hydraulic fracturing processes. Currently, the oil and gas industry is the only industry granted an exemption from complying with the Safe Drinking Water Act.

Hydraulic fracturing – also known as “fracking”, which is used in almost all oil and gas wells, is a process whereby fluids are injected at high pressure into underground rock formations to blast them open and increase the flow of fossil fuels. Fracking is used in areas of Pennsylvania where natural gas is being drilled from Marcellus Shale.

This injection of unknown and potentially toxic chemicals often occurs near drinking water wells. Three million Pennsylvanians are dependent on private wells for water. Troubling incidents have occurred around the country where people became ill after fracking operations began in their communities. Some chemicals that are known to have been used in fracking include diesel fuel, benzene, industrial solvents and other carcinogens and endocrine disrupters.

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April 26, 2010

The Honorable Lisa Jackson
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

As you know, natural gas drilling in the Marcellus Shale region is a major issue for many towns and communities throughout Pennsylvania. The opportunity to develop our own natural resources has led to job creation, strengthened our state economy, and reduced our dependence on foreign energy. However, despite its many benefits, natural gas drilling presents a concern for the people living near these drilling sites. Hydraulic fracturing (fracking) involves the use of sometimes toxic chemicals that

are injected underground, often in close proximity to underground sources of drinking water. It is the highly variable and unpredictable nature of the process that can lead to the contamination of ground water and drinking water that is of great concern to me.

Every day I hear from Pennsylvanians who worry about their future access to safe drinking water. The protection of underground water sources is especially important to Pennsylvania because we have the second highest number of private drinking water wells in the Nation; three million Pennsylvanians are dependent on private wells to provide safe drinking water to their homes.

Therefore, I urge EPA to examine its authority to determine whether it can take additional steps in Pennsylvania to investigate and respond to groundwater contamination and other potentially harmful consequences of drilling. I request a meeting with you and appropriate EPA officials to discuss natural gas drilling and whether EPA could launch an investigation into water and environmental contamination. Further, I wholeheartedly commend EPA for undertaking a congressionally mandated study on hydraulic fracturing, and note that the initial information I have seen on the scope of the study is encouraging. I would also hope to speak with Science Advisory Board officials during the requested meeting in order to have the opportunity to discuss the scope, timing and methodology for the study and to ensure that EPA addresses all issues critical to Pennsylvania.

The reasons for requesting greater EPA involvement in Pennsylvania are many. Recent incidents in the State raise the question of whether the necessary steps have been taken to protect Pennsylvania families and communities against the detrimental side effects of drilling. For example, methane gas has infiltrated the private drinking wells of 14 families in Dimock Township, Susquehanna County, Pennsylvania. The intrusion has contaminated the underground source of drinking water and reduced property values in the area. Several drinking water wells have exploded due to a suspected buildup of natural gas and many wells have been found to contain so much natural gas that one homeowner was advised to open a window if he plans to take a bath.

In September 2009, there was also a surface water contamination incident in the same area. According to the Pennsylvania Department of Environmental Protection (DEP), between 6,000 and 8,000 gallons of hydraulic fracturing fluid leaked from a pipe at a drill site and contaminated the surrounding area and a wetland in Susquehanna County. There were two separate spills on the same day. The first spill in the afternoon leaked 25 to 50 barrels of hydraulic fracturing fluid and the second spill in the evening leaked 140 barrels.

In regard to the underground water contamination with methane, Pennsylvania DEP recently executed a consent decree and agreement that Cabot Oil & Gas Corporation failed to adequately protect the affected homeowners in Susquehanna County and must take further steps to remedy the situation. DEP fined Cabot \$240,000, ordered the plugging of three wells believed to be the source of the contamination, prohibited drilling by Cabot for one year in the vicinity and required Cabot to install permanent water treatment systems in the affected homes. While the no-drill zone may put a damper on Cabot drilling in the Dimock area, the area designated by DEP accounts for only about 5,700 acres, about 2.9 percent, of the company's nearly 200,000 acres under lease in Susquehanna County. I commend DEP for taking action, but I remain concerned that the current status of Federal and State oversight of gas drilling may be inadequate to protect families living in close proximity to drilling activities.

In addition to the incidents in Susquehanna County, there have been other contamination events across Pennsylvania. For example, I understand that EPA is scheduled to test contaminated underground water in Washington County and that residents have spoken with an EPA investigator. I know that Pennsylvania has been permitting and managing natural gas development with the paramount goal of protecting the environment and public health. I commend the State DEP for taking

steps to strengthen its regulations regarding drilling, and adding additional DEP staff to assist with the increased interest in gas drilling in the state. However, I again request that EPA continue to investigate and respond to water contamination in order to protect human health and the environment.

I believe it is important to protect the health and safety of Pennsylvanians as we further develop the Marcellus Shale. For this reason, I introduced the Fracturing Responsibility and Awareness of Chemicals (FRAC) Act, S. 1215, that would require that hydraulic fracturing be regulated under the Safe Drinking Water Act, ensuring that a consistent set of Federally enforceable regulatory requirements are applied to the development of our natural gas resources. The FRAC Act would also require that the natural gas industry provide complete disclosure of the chemical composition of its hydraulic fracturing materials to ensure that if drinking water supplies, surface waters, or human health are compromised, the public and first responders will know exactly with what they are dealing. I view this as a simple matter of citizens having a right to know about any risks in their community.

Thank you for your attention to this matter. I look forward to continue working with you in the future.

Sincerely,

Robert P. Casey, Jr.
United States Senator